

Supreme Court of Vermont
Office of State Court Administrator

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TO: Sen. Dick Sears, Chair
Senate Judiciary Committee

FROM: Gregg Mousley, Chief of Finance and Administration
Tari Scott, Chief of Trial Court Operations

A handwritten signature in black ink, appearing to be "GM", is written over the name "Gregg Mousley" in the FROM field.

DATE: February 18, 2020

RE: Draft No. 1.1 – S.234), Page 1 of 26 2/11/2020 - EF - 8:52 PM
Reinstatement Fee Holiday Program

We are writing on behalf of the Judicial Branch with respect to the following draft of S. 234: (Draft No. 1.1 – S.234) Page 1 of 26 2/11/2020 - EF - 8:52 PM . There is language in this draft that proposes to create a Reinstatement Fee Holiday Program to permit people whose vehicle operator's licenses have been suspended to apply for reinstatement of their licenses without paying a fee.

As you know, the Judiciary does not take positions on policy issues that are within the legislature's discretion. We do, however provide information to the Legislature that will help the Legislature understand procedures and impacts, including impacts on the Judiciary and the administration of the court system. This memo is sent for that purpose.

There are approximately 15,000 people who are actively on payment plans with the Judicial Bureau. They do not have suspended licenses and would not, therefore, be eligible for the fee holiday proposed in this draft bill. These individuals are currently in compliance, but obviously do not have the resources to pay in full. This bill may discourage those that are actively complying and making efforts to pay their fees and fines.-

The Judiciary currently collects a \$12.50 per case administrative fee and an additional \$20 "failure to answer" fee and \$30 "failure to pay" fee for each qualifying ticket. . Under this draft, that would be \$62.50 per license suspension in foregone revenue that would normally be deposited into the Court Technology Fund. These revenues are built into the funding mechanism supporting the purchase and implementation of the Next Generation Case Management System that is currently being rolled out in the trial courts. The revenues are also a source of funding for ongoing maintenance costs for this system. Lost revenues as a result of the implementation of this bill or other similar approaches

would need to be replaced by a general funds appropriation in order to enable the Judiciary to meet its obligations for current and committed operations.

The forgone revenue of the Reinstatement Fee Holiday Program would not just impact the Court Technology Fund. Depending on the underlying violations, the forgone revenue would also impact the Transportation Fund, the municipalities that created the violations, the Victim Compensation Fund, the Domestic & Sexual Assault Fund, the Crime Victim Restitution Fund, and the General Fund.

Act 147 of 2016 allowed people to reinstate their suspended license with the DMV without paying the debts held by the Judiciary. This has resulted in a de-coupling of the information held by the Judiciary and the information held in the DMV system. The Judiciary system has approximately 155,000 suspended licenses, while the DMV, the official list of suspensions, has only 55,984. The difference indicates how inaccurate the Judiciary's records have become since people no longer have to pay the underlying debts with the Judicial Bureau. The DMV now reinstates licenses without notification to the Judicial Bureau.

S.234 states that the applicants contact the DMV to find the number of tickets owed and then apply to the Judicial Bureau for reinstatement. These roles should be reversed. The DMV has the accurate list of suspended licenses, and the Judicial Bureau has an accurate list of the number of tickets for each person. Coordination between the two would be essential and would impact productivity. The \$10 fee would not cover the staff costs or marketing costs of the program.

Additional issues that are not addressed in this draft bill but would need to be addressed for the Judiciary to be able to implement it are the following:

- \$10 revenue collected needs to be designated to the Court Technology Special Fund
- \$10 reduced judgment needs a timeframe to pay (by end of the program? 9/30/20) Act 147 was silent as to payments over ½ of the reduced \$30 judgments were not paid.
- Application process needs to be determined
- Amounts previously paid towards a traffic violation judgment prior to application shall not be refunded or credited
- Act 147/2016 - In addition to the Criminal Suspensions the Commercial vehicles were excluded

We appreciate this opportunity to provide information regarding this proposed draft of S. 234.

cc. Sen. Alice W. Nitka, Vice Chair
Sen. Jeanette K. White
Sen. Joe Benning
Sen. Phillip Baruth
Peggy Delaney, Committee Assistant